

HOUSE No. 808

By Mr. Scaccia of Boston, petition of William Francis Galvin and Angelo M. Scaccia relative to certain rules for notaries including electronic notarization. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT REGARDING NOTARIZATION OF DOCUMENTS INCLUDING ELECTRONIC NOTARIZATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Section 8B of Chapter 222 should be created and entitled
- 2 “Electronic Documents; Acknowledgment and Notarization”:
- 3 A notary acknowledgment on an electronic message or docu-
- 4 ment is considered complete without the imprint of the notary’s
- 5 seal if:
- 6 (1) (a) the electronic message or document has been electroni-
- 7 cally signed pursuant to applicable law in the presence of a
- 8 notary;
- 9 (b) the notary has witnessed the electronic signature of the
- 10 person and as ascertained that the person is placing their signature
- 11 on the document as their free act and deed;
- 12 (c) the notary electronically signs the acknowledgement with an
- 13 electronic signature;
- 14 (d) the following information appears electronically within the
- 15 message electronically signed by the notary;
- 16 (e) the notary’s full name and commission number exactly as
- 17 indicated on their commission; and
- 18 (f) the words “notary public,” “Commonwealth of Massachu-
- 19 setts,” and “my commission expires on _____ (date)”.
- 20 (2) Nothing in this chapter precludes any message, document,
- 21 or record from being considered written or in writing under other
- 22 applicable state law.